

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

RANDALL W. GRAY,)	
)	
Petitioner,)	4:07CV3099
)	
v.)	
)	
ROBERT HOUSTON,)	ORDER
)	
Respondent.)	
_____)	

This matter is before the Court on petitioner's motion to reconsider (Filing No. 29), and respondent's motion to dismiss petitioner's motion to reconsider (Filing No. 33). Rule 52(b) provides:

On a party's motion filed no later than 10 days after entry of judgment, the court may amend its findings

If it were treated as a motion for new trial, Rule 59(b) provides:

Any motion for a new trial shall be filed no later than 10 days after entry of judgment.

Petitioner's motion is not timely filed and will, therefore, be denied. Accordingly,

IT IS ORDERED:

1) Respondent's motion to dismiss petitioner's motion to reconsider is granted;

2) Petitioner's motion for reconsideration is denied.

DATED this 28th day of February, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court